

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-13 are pending. Claims 3, 5, 7, 12, and 13 were previously presented. Independent claims 1 and 9-11 are hereby amended. No new matter has been introduced. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled. Support for these amendments may be found in, for example, page 15, lines 1-6 of Applicants' specification, or paragraph [0082] of Applicants' published application.

II. REJECTIONS UNDER 35 U.S.C. §103

Claims 1-11 and 13 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent Application No. 2001/0031131 to Fukai et al. (hereinafter, merely "*Fukai*") in view of U.S. Patent No. 7,110,025 to Loui et al. (hereinafter, merely "*Loui*"). Applicants respectfully traverse this rejection.

Claim 1 recites, *inter alia*:

"A video content editing support system comprising:

a recorder to describe electronic mark data related to video content data in the video content data;

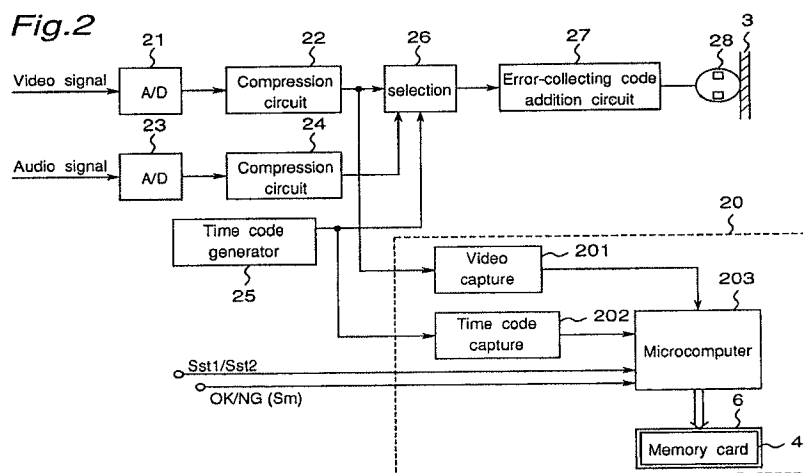
... wherein the electronic mark data includes attribute mark data and the electronic mark text data linked to each other, the attribute mark data identifying video scenes included in the video content data.
(Emphasis added)

A. A Video Content Editing Support System That Includes Attribute Mark Data

For Identifying Scenes In The Video Content Data is Not Taught Or Suggested In The Prior Art

Neither *Fukai* nor *Loui*, taken alone or in combination, disclose or suggest “attribute mark data and the electronic mark text data linked to each other,” whereby “the attribute mark data identif[ies] video scenes included in the video content data.”

As described in paragraph [0030] of *Fukai*, an OK/NG judgment switch (7) for judging and designating an OK/NG flag indicates whether or not photographed images are utilizable in an edition process afterwards. For example, if an announcer makes a mistake during an interview, the scene cannot be used and the NG flag should be turned ON via the manipulation of the switch (7). Further, according to paragraphs [0040] of *Fukai*, the OK/NG flag is flag data that is written to memory card (4) via microcomputer (203) in accordance with the OK/NG marking signal (Sm) illustrated in FIG. 2 (see below).



The OK/NG flag described in *Fukai* does not disclose or suggest “attribute mark data [for] identifying video scenes included in the video content data.” Rather, it appears that *Fukai*’s OK/NG flag is merely associated with scene use (e.g., NG=on: scene cannot be used).

According to paragraph [0087] of Applicants’ published application:

[0087] The electronic mark text data is text data having described therein the feature or essence of a video scene. It is metadata associated (linked) with the aforementioned attribute mark data. For example, the features of a video scene such as "highlight", "OK", "NG" and the like and information including a location of imaging such as "Tokyo" or "Japan" are described by text data in the electronic mark text data.

Further, *Fukai* also fails to disclose or suggest “attribute mark data and electronic mark text data [that is] linked to each other[.]”

Loui merely discloses camera-generated information such as time, date, camera model and serial number, lens settings, etc. *Loui*, col. 3, line 67 through col. 4, lines 1-3. Therefore, like *Fukai*, *Loui* also fails to disclose or suggest “attribute mark data [for] identifying video scenes included in the video content data.”

Therefore, Applicants respectfully submit that claim 1 is patentable. For reasons similar to those described above with regard to independent claim 1, independent claims 9-11 are also patentable.

B. Rejection of Claim 12 is Improper Because David is Disqualified As Prior Art Under 35 U.S.C. §103(a)

Claim 12 is allowable since claim was rejected over *Fuka* in view of *Loui* and further in view of David et al. U.S. 2002/0131764 (hereinafter, merely “*David*”).

David is disqualified under 35 U.S.C. §103(a) because *David* is prior art only under 102(e) and is subject to an assignment to Sony Corporation, which is the assignee of the present application. Therefore, the rejection of claim is improper and Applicants respectfully request the rejection be withdrawn.

III. DEPENDENT CLAIMS

The other claims are dependent from one of the independent claims, discussed above, and are therefore believed patentable for at least the same reasons. Because each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

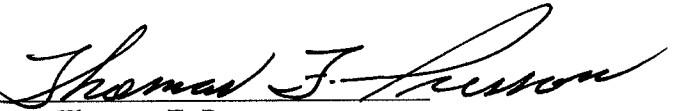
In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference or references, providing the basis for a contrary view.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Please charge any additional fees that may be needed, and credit any
overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By 

Thomas F. Presson
Reg. No. 41,442
Ph: (212) 588-0800
Fax: (212) 588-0500